

*CNEMIDOPHORUS SEPTEMVITTATUS* COPE OR *CNEMIDOPHORUS SCALARIS* COPE, 1892 (REPTILIA): AN APPEAL FOR USE OF PLENARY POWERS TO SET ASIDE THE RULE OF THE FIRST REVISER. Z.N.(S.) 1634

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The following is addressed as an appeal to the International Commission on Zoological Nomenclature to set aside, in this case, the "rule of the first reviser" so that nomenclatorial stability may be established and maintained.

The relevant history of this case follows.

1. In 1892, Cope (*Trans. Amer. Philos. Soc.*, 17) described *Cnemidophorus septemvittatus* (p. 40), *Cnemidophorus gularis scalaris* (p. 47), and *Cnemidophorus gularis semifasciatus* (p. 49).

2. In 1950, Burger (*Nat. Hist. Misc.* (65) : 4-5) synonymized the name *septemvittatus* with *semifasciatus*, but treated both *scalaris* and *semifasciatus* as different sub-species of *Cnemidophorus sacki*—a name used for this group by Smith (1949, *Jour. Wash. Acad. Sci.*, 39 (1) : 34-43). Burger realized that Cope's name *Cnemidophorus septemvittatus* had page priority over *Cnemidophorus gularis semifasciatus*, but he considered it preferable to "disregard page priority" in this case because the locality for *septemvittatus* (El Dorado Co., California) was subject to question.

As Burger (op. cit.) made a clear choice between two names (*semifasciatus* over *septemvittatus*) his action qualifies as that of "first reviser" under Article 24 of the 1961 Code.

3. Duellman and Zweifel (1962, *Bull. Amer. Mus. Nat. Hist.*, 123 : 155-210) failed to use Burger's legal selection of *semifasciatus*, but readopted the name *Cnemidophorus septemvittatus*. They included both *scalaris* and *semifasciatus* as trinomials of *C. septemvittatus*.

4. In 1963, Williams and Smith (*Herpetologica*, 19 (1) : 68-9) pointed out misuse of the name *septemvittatus* by Duellman and Zweifel. However, in reverting to a substitute name for *septemvittatus*, Williams and Smith bypassed *semifasciatus*, which by Burger's earlier action had priority over *septemvittatus*. Instead they chose to make additional selection as "first revisers" between the two remaining names, *scalaris* and *semifasciatus*. Their choice went to *scalaris* because it has page priority over *semifasciatus*.

Discussion:

1. Five revisers, Cope (1892), Gadow (1906, *Proc. Zool. Soc. London*, 1 (24) : 277-375), Burt (1931, *Bull. U.S. Nat. Mus.* (154) : viii + 386), Burger (1950) and Duellman and Zweifel (1962) have contributed to our knowledge of the teiid genus *Cnemidophorus*.

2. Until the recent synopsis by Duellman and Zweifel, the names *scalaris* and *semifasciatus* have consistently been used as trinomials. *Cnemidophorus septemvittatus* was employed as a binomial originally, but has been considered a synonym of various species of *Cnemidophorus* subsequently. None of these

names have appeared in the literature (as binomens) consistently enough to warrant retention on grounds of usage.

3. Revisionary work prior to that of Duellman and Zweifel (op.cit.) has been notoriously incomplete and subjective. Earlier investigators included little or no quantitative data to demonstrate relationships between the forms under consideration, so their basis for synonymization was based mainly upon similarities in color pattern. All subsequent work on this group of *Cnemidophorus* will, by necessity, stem from the work of Duellman and Zweifel. It is extremely important, therefore, that the names used in this publication be preserved. To abrogate this usage now because of a technical flaw in their selection of a name would seem to be completely out of context with the intended usage and purpose of the Code.

4. The type locality for *Cnemidophorus septemvittatus*, with which Burger (1950) was concerned (supra), had actually been considered and clarified earlier by Burt (1931 : 124, 129), who restricted the type locality to the region of Marfa, Presidio County, Texas.

5. Therefore, I appeal to the International Commission to take the following action, which would be least disturbing to, and most effective in, maintaining nomenclatural stability:

- (a) to use its plenary powers to set aside the action of Burger (1950 : 4, 5) as first reviser, thereby validating the name *Cnemidophorus septemvittatus* Cope, 1892, as the oldest name available for this group of lizards;
- (b) to place the specific name *septemvittatus* Cope, 1892, as published in the binomen *Cnemidophorus septemvittatus*, on the Official List of Specific Names in Zoology.